

RES13-016

Wilmington, Delaware
March 7, 2013

#3792

Sponsor:

Council
Member
Shabazz

WHEREAS, by its Ordinance No. 97-051, amending Section 2-363 of the City Code, the Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including a requirement for Council approval by resolution, and including authorization for expedited grant applications in any situation in which a City office or department is required to file an application or proposal for grant funds prior to the next regular meeting of Council, in which case the application may be submitted to Council for its approval and ratification subsequent to its submission to the issuing agency; and

WHEREAS, the City, through the Department of Public Works, has sought to obtain four (4) grants from various sources for tree related project throughout the City totaling \$379,136 and requiring local matching of \$312,550 plus a suggested local matching of \$29,250; and

WHEREAS, Grant #1, entitled "Vandever Ave Tree Trench Demonstration Project", is a Surface Water Planting Grant from DNREC in the amount of \$43,350 to provide funding for the design of five tree trenches along Vandever Ave and to hold two public education meetings; and

WHEREAS, Grant #1 requires a local match of \$43,350; and

WHEREAS, Grant #2, entitled "Vandever Ave Stormwater Tree Trenches, Urban Forest Management Plan and Tree Planting Budget", is a U.S. Forest Service Redesign Grant from the U.S. Forest Service in the amount of \$265,786 to provide funding to construct the

five tree trenches designed in Grant #1 along Vandever Ave and to complete the Management Plan; and

WHEREAS, Grant #2 requires a local match of \$269,200; and

WHEREAS, Grant #3, entitled "Creating a Statewide Model for Quantifying Water Quality Benefits of Trees", is a Community Water Quality Improvement Grant from DNREC in the amount of \$50,000 to provide funding to plant trees and to define new statewide policies relating to trees and stormwater best management practices; and

WHEREAS, Grant #3 does not require a local match, however, the application identifies \$29,250 in supporting funds for tree planting and printing materials; and

WHEREAS, Grant #4, entitled "Tree Planting in Economically Disadvantaged Areas", is a TD Green Streets Grant from TD Bank and Arbor Day Foundation in the amount of \$20,000 to provide funding for tree planting in economically disadvantaged neighborhoods; and

WHEREAS, Grant #4 does not require a local match; and

WHEREAS, the Council deems it necessary and proper to authorize the Department of Public Works to accept the awarded grants in the amount of \$379,136.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington Department of Public Works is hereby authorized to accept grant funding from DNREC, U.S. Forest Service, and TD Bank and Arbor Day Foundation in the amount of three hundred, seventy-nine thousand, one hundred and thirty-six dollars (\$379,136); and

BE IT FURTHER RESOLVED that the Department of Public Works shall be authorized to take all necessary actions to comply with the Project Agreement for Vandever

Avenue Tree Trench Demonstration Project (for Grant #1), the Community Water Quality Improvement Grant Program Memorandum of Agreement (for Grant #3), a copy of which is attached hereto and made a part hereof, and any other actions required to comply with grant requirements and to administer the grants and the grant programs for the City of Wilmington.

Passed by City Council,
March 7, 2013

ATTEST: Maribel Seijo
City Clerk

Approved as to form this
6th day of March, 2013

Thomas P. Carney
Assistant City Solicitor

SYNOPSIS: This Resolution approves the Wilmington Department of Public Works' acceptance of four (4) grants funded by DNREC, U.S. Forrest Service, TD Bank and Arbor Day Foundation in the total amount \$379,136. The total local match required is \$312,550 plus a suggested local matching of \$29,250.

PROJECT AGREEMENT

VANDEVER AVENUE TREE TRENCH DEMONSTRATION PROJECT WILMINGTON, DELAWARE

THIS AGREEMENT, made this 21 day of Feb, 2013, A.D.
BY AND BETWEEN, the Division of Watershed Stewardship, of the Department of
Natural Resources and Environmental Control, hereinafter called "**The Division**" and
The City of Wilmington, hereinafter called "**The City**".

WITNESSETH THAT:

WHEREAS, **The Division and the City** have agreed to a plan of work for
Vandever Avenue Tree Trench Demonstration Project; and

NOW, THEREFORE, in consideration of the premises and of the several
promises to be faithfully performed by the parties as set forth, **the Division and the City**
do hereby agree to the following:

- A. It is agreed that the following described work is to be completed at an
estimated cost of \$86,700.00:

Project Description:

- The City of Wilmington seeks to obtain professional engineering
services for the design of a green stormwater infrastructure
demonstration project. The design will involve up to five tree trenches
with the goal of capturing the first 1.5 inch of runoff from the
contributing impervious area thus preventing that volume from
entering the combined sewer system.

B. **The Division will:**

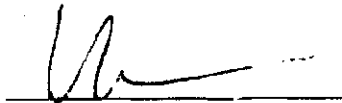
1. Provide \$43,350.00 toward the cost of development of the project
described in item "A".
2. Issue a purchase order to **the City** for the aforementioned funds for all
aspects of planning/preliminary engineering/feasibility analysis,
securing the necessary rights-of-way and permits and design of the
project.
3. Pay for the cost of all aspects of project development mentioned in
item "A" up to \$43,350.00 directly to **the City** upon receipt from **the**
City of an invoice (with supporting documentation) requesting funds
for work performed.

Vandever Avenue Tree Trench Demonstration Project
Project Agreement

C. **The City will:**

1. Provide \$43,350.00 toward the cost of development of the project described in item "A".
2. Be responsible for obtaining any and all applicable permits.
3. Be responsible for complying with all relevant State and Federal laws.
4. Be responsible for undertaking, implementing and supervising all aspects related to said project including, but not limited to, project planning/preliminary engineering/feasibility analysis.
5. Keep accurate records of the expenditure of these funds and notify **the Division** in writing when the project is completed, such notification shall include the above stated inspections and certification documents.
6. **The City** will keep accurate records of the expenditures of these funds.

CITY OF WILMINGTON



Public Works Commissioner

Date: 2/21/13

DIVISION OF WATERSHED
STEWARDSHIP

Director

Date: _____

DEPARTMENT OF NATURAL
RESOURCES AND
ENVIRONMENTAL CONTROL

Secretary

Date: _____

COMMUNITY WATER QUALITY IMPROVEMENT GRANT PROGRAM

MEMORANDUM OF AGREEMENT

between The City of Wilmington,
and the
Division of Watershed Stewardship,
Department of Natural Resources and Environmental Control

This Memorandum of Agreement (Memorandum) is between the Division of Watershed Stewardship (Division) of the Delaware Department of Natural Resources and Environmental Control and The City of Wilmington (City). It is effective on the date signed by all parties.

The Community Water Quality Incentive Grant Program (CWQIGP) is to provide financial assistance to eligible entities to facilitate projects that will support water quality improvement in impaired Delaware watersheds. The goals of the program are to support projects that focus on the developed landscape that will help to improve water quality and address one or more of the following goals:

- Provide benefits to water quality within an impaired watershed
- Implement non-regulatory projects in a watershed management plan
- Installation of community stormwater management improvements in existing developments and municipalities
- Collection of federally acceptable quality controlled water quality data by volunteers
- Restoration of water quality benefits

Program Procedures and Implementation:

The CWQIGP is administered by DNREC, Division of Water Watershed Stewardship, Nonpoint Source Program (NPS). All correspondence and inquiries associated with the program should be directed to Sharon Webb at Sharon.webb@state.de.us or 302-739-9922. DNREC at its discretion will conduct periodic inspections of all activities and/or paperwork associated with the project. The following documents must be provided to NPS program prior to the disbursement of grant proceeds:

IT IS MUTUALLY AGREED BY THE PARTIES HERETO THAT:

The City will:

- a. Provide a signed copy of the Memorandum of Agreement;
- b. Carry out the implementation of the project as identified in the attached workplan (Attachment A);
- c. Provide project funding commitment letters from partners (if applicable);
- d. Pay at least State Wages for all project construction related work

- e. Submit a completed and signed Grant Disbursement Invoice form along with required supporting documentation of incurred grant related costs. Please specify project proposal number **CWQIG 12-02** on all invoices;
- f. Submit quarterly project reports on required form (form will be provided electronically)
- g. Submit a final project report sufficient in detail to describe all work completed and/or not completed relative to the original project Scope of Work
- h. Provide a final in-person project presentation at the discretion of the Clean Water Advisory Council.


Watershed Stewardship, as part of the Department will:

- a. Reimburse for the costs incurred in the implementation of the objectives noted in the project workplan, the total reimbursement not to exceed **\$50,000**.
- b. Not be obligated for the expenditure of funds in excess of the amount outlined;
- c. Not extend project beyond 2 years without prior approval.

Grant disbursements will be limited to the following:

- 75 percent or more of the grant award must be used for project implementation
- 25 percent or less of the grant award can be used for administration
- Federal, state, local, and cash matching funds are acceptable

The undersigned Community Water Quality Improvement Grant Program, Grantee agrees to follow the rules and procedures in this MOA.



Kash Srinivasan, Commissioner of Public Works 2/21/13
City of Wilmington Date

DNREC agrees to disburse grant proceeds to the above signed Grantee subject to the rules and procedures of this MOA.

Collin P. O'Mara, Secretary Date
Department of Natural Resources
& Environmental Control